



PATENT
574313-2338.1
USSN 09/784,962

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Gordon ALLAN et al.
U.S. Serial No. : 09/784,962
Filing Date : February 16, 2001
Examiner : Shannon A. Foley
Art Unit : 1648
For : **PORCINE CIRCOVIRUS AND PARVOVIRUS VACCINE**

745 Fifth Avenue, New York, NY 10151

PETITION TO REVIVE AND WAIVE RULES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INTRODUCTION AND RELIEF REQUESTED

Pursuant to 37 CFR 1.137(a), 1.181-183, and any other Rules, it is respectfully requested that the Declaration and Power of Attorney submitted herewith be accepted, that this application and patent be revived, with the effect that the Declaration and Power of Attorney filed herewith be accepted *nunc pro tunc* (accepted now as if it were filed when a correct Declaration and Power of Attorney should have been filed during prosecution), and that any necessary Rules be waived to achieve the relief herein requested.

The fees set forth in 37 CFR 1.17(m) and 1.17(h) (\$1330+\$130=\$1460) are submitted herewith by authorization to charge a credit card therefor, and the Commissioner is hereby authorized to charge any deficiency in fees or credit any overpayment in fees to Deposit Account No. 50-0320.

FACTS & ARGUMENT

The Declaration and Power of Attorney originally filed in this application may have had "inventor" signature(s) affixed to it by a person who was not an inventor, and who was not authorized to sign on behalf of inventor(s), without deceptive intent on the part of the inventors, the assignee, the US attorneys, the foreign firm involved, and individuals thereof.

11/09/2004 EABUBAK1 00000025 09784962

01 FC:1460 130.00 OP

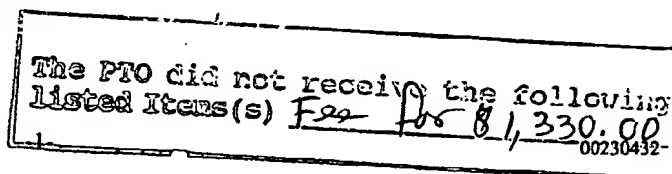
Adjustment date: 12/27/2004 AKELLEY

11/09/2004 EABUBAK1 00000025 09784962

01 FC:1460 -130.00 OP

Refund Ref:

12/27/2004 AKELLEY 0000141003



CHECK Refund Total: \$130.00

Also, the undersigned thanks the USPTO for the many courtesies extended in suggesting how to address the present situation.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application, any patent issuing thereon, or any patent to which this verified statement is directed.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:



Thomas J. Kowalski

Reg. No. 32,147

Tel 212-588-0800

Fax 212-588-0500